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OFFICE OF PETITIONS

In re Application of
Luke Nicholas Bennett
Application No. 09/308,005
Filed: May 10, 1999
Attorney Docket No. 2703/FBR
Title: GAMING MACHINE

DECISION GRANTING
PETITION UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition filed on July 28, 2003, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR §1.113 in a timely manner to the final Office action mailed June 5, 2000, which set a shortened statutory period for reply of three (3) months. On October 13, 2000, an amendment was received (certificate of mailing dated October 5, 2000) along with a one-month extension of time. On November 16, 2000, an advisory action was mailed. On January 3, 2001, a subsequent after-final amendment was received along with a one-month extension of time, and an advisory action was mailed on April 5, 2001. No further extensions of time were possible, and as such, the application became abandoned on November 6, 2000. A Notice of Abandonment was mailed on April 24, 2001.

37 C.F.R. §1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

required by 37 C.F.R. §1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 C.F.R. §1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

With the instant petition, petitioner has filed a Continued Prosecution Application (CPA), the associated fee, the petition fee, and has made a statement which is being construed as the proper statement of unintentional delay.

The CPA has been accepted as the required reply under 37 C.F.R. §1.137(b)(1).

As such, the petition is **GRANTED**.

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of continuing Application No. 09/308,005.

After this decision is mailed, the application will be forwarded to Technology Center 3700 for processing of the CPA filed with the instant petition.

Telephone inquiries specific to this decision should be directed to the undersigned at (703) 305-0011.



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